

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
 SEC Goldentree at Highville Rd.
 8821 Goldentree Road
 15th Election District
 5th Councilmanic District
 Ronald C. Morman, et ux
 Petitioners

BEFORE THE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 91-415-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 1B01.2 (Section 504) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 10 ft. in lieu of 25 ft. and to amend the last amended FDP of Section 1, Goldentree, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for a Residential Variance, the subject property, known as 8821 Goldentree Road, improved with a single family dwelling, zoned D.R.5.5, consisting of 7500 sq. ft. +/-, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioners are requesting a side yard setback of 10 ft. in lieu of 25 ft. to place an addition on the side of the corner lot closest to Highville Road for additional living space, storage space and attached garage.

The Petitioners have filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is no evidence in the file or record to indicate that the variance would adversely affect the health, safety and/or general welfare of the public and, therefore, the relief should be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of June, 1991 that the Petition for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 1B01.2 (Section 504) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 10 ft. in lieu of 25 ft. and to amend the last amended FDP of Section 1, Goldentree, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
 J. ROBERT HAINES
 Zoning Commissioner
 for Baltimore County

JRH/smm
 cc: Peoples Counsel

ORDER RECEIVED FOR FILING
 Date 6/27/91
 By [Signature]

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-415-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

1B01.2 (Sec. 504) to allow a side yard of 10 feet in lieu of 25 feet
 and to amend the last amended FDP of Sec. 1, Goldentree.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason:

1. Necessity of addition
2. Corner property vs. interior property
3. Other reasons to be presented if hearing is requested.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, application of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

S. Eric DiNenna, Esquire

(Type or Print Name)

Signature

Address

409 Washington Ave., Ste. 600

Baltimore, MD 21204

Attorney's telephone number 296-6820

Legal Owner(s):

Ronald C. Morman

(Type or Print Name)

Signature

Josephine P. Morman

(Type or Print Name)

Signature

Address

8821 Goldentree Lane

Baltimore, MD 21221

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

S. Eric DiNenna, Esquire

409 Washington Ave., Ste. 600

Baltimore, MD 21204 296-6820 Home

ORDERED by the Zoning Commissioner of Baltimore County, this day of June, 1991, that the subject matter of this petition be posted on the property on or before the day of June, 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this day of June, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 10B, County Office Building in Towson, Baltimore County, on the day of June, 1991, at o'clock, a.m.

ORDER RECEIVED FOR FILING

Date

By

ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-415-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at 8821 Goldentree Lane

(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address (indicate hardship or practical difficulty)

1. Need for additional space to structure
2. Corner property with greater setback than interior property

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Ronald C. Morman
 AFFIANT (Handwritten Signature)

AFFIANT (Printed Name)

Josephine P. Morman
 AFFIANT (Handwritten Signature)

AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this day of March, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Ronald C. Morman and Josephine Morman

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

June 19, 1991
 DATE

David J. Kaufman
 NOTARY PUBLIC

My Commission Expires:

Phone: 687-4922

FRANK S. LEE

Registered Land Surveyor

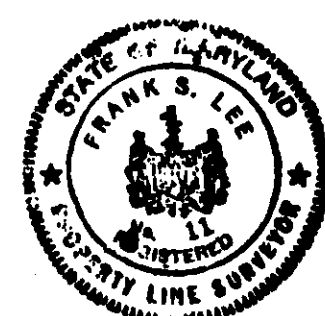
1277 NEIGHBORS AVE. — BALTIMORE, MD. 21237

December 20, 1990

No. 8821 Goldentree Lane
 15th District Baltimore County, Maryland

Beginning for the same at the southeast east corner of Goldentree Lane and Highville Road and being known as Lot: 125, Plat Two, Section One, Goldentree, said plat being recorded among the land records of Baltimore County in Plat Book 43 folio 80.

Containing 7500 square feet of land more or less.

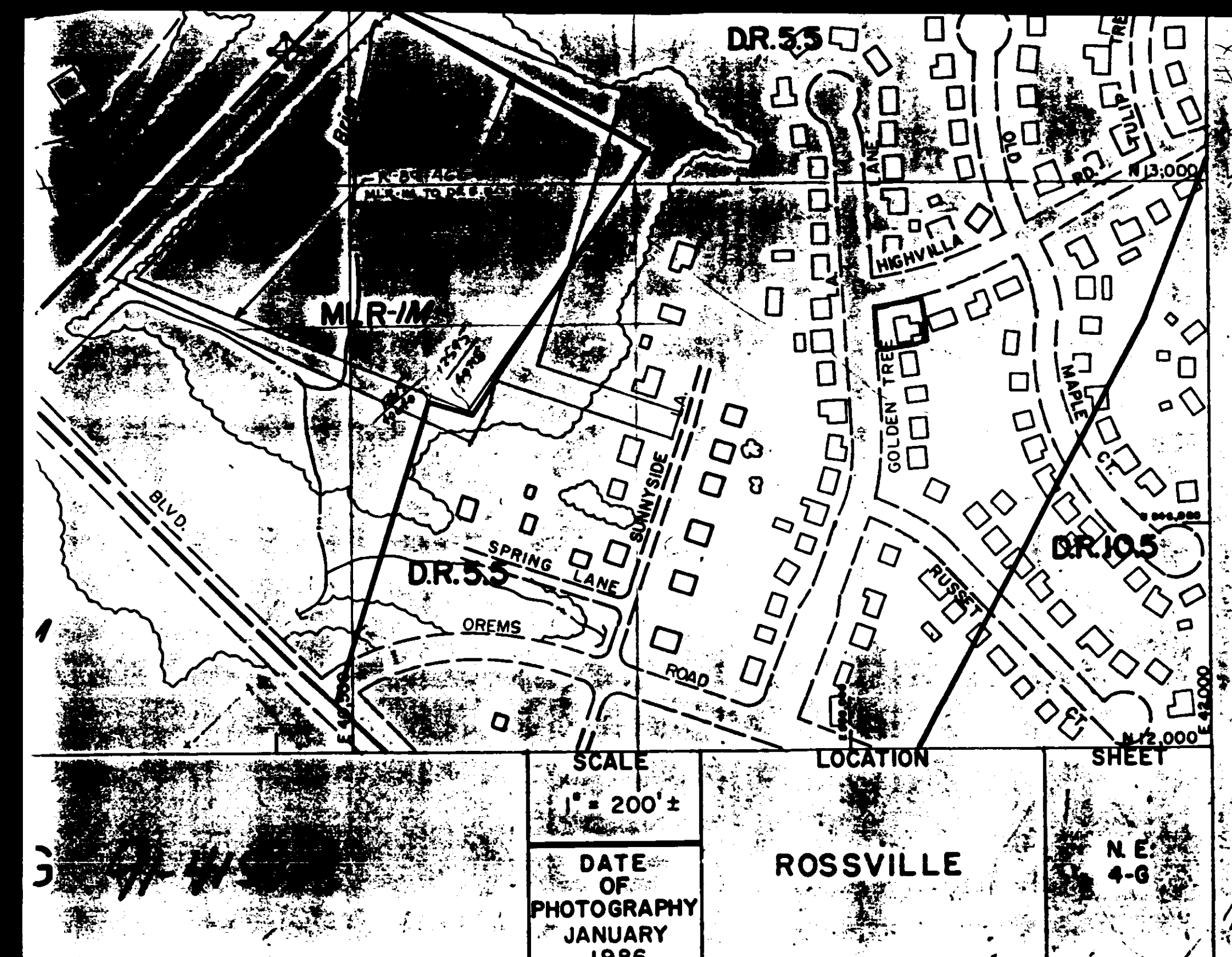


MAR 25 1991

CASE NUMBER 91-415-A



PETITIONER'S EXHIBIT # 2



Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date: 5/02/91 H910041B

	QTY	PRICE
PUBLIC HEARING FEES		
010 -ZONING VARIANCE (1RL)	1 X	\$35.00
080 -POSTING SIGNS / ADVERTISING 1 X		\$25.00
TOTAL:		\$60.00

LAST NAME OF OWNER: MORMAN

Please Make Checks Payable To: Baltimore
DA40480050NCHRC
B#003142PM05-02-91 \$60.00

Cashier Validation



SCALE LOCATION SHEET
1" = 200' ±
DATE OF PHOTOGRAPHY JANUARY 1986
ROSSVILLE
91-415-A
NE
4-G

DINENNA AND BRESCHI
ATTORNEYS AT LAW
SUITE 400
MERCANTILE TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6820
TELEFAX (301) 296-6884

June 11, 1991

Zoning Commissioner for
Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: My Client: Morman
Item No. 418
Case No. 91-415-A

Dear Mr. Commissioner:

Would you be so kind as to advise me of your decision concerning the above-captioned matter.

Thank you for your cooperation.

Very truly yours,
S. ERIC DINENNA

SED:cjc
cc: Mr. and Mrs. Ronald Morman

Stamp: ZONING OFFICE

Baltimore County Government
Fire Department
700 East Joppa Road Suite 901
Towson, MD 21204-5500
(301) 887-4500

AUGUST 6, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RONALD C. MORMAN
Location: #8821 GOLDENTREE LANE
Item No.: 418 Zoning Agenda: MAY 14, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Noted and Approved
Reviewed: [Signature] Planning Group
Special Inspection Division
Fire Prevention Bureau

JK/KEK

PLAT TO ACCOMPANY PETITION FOR A STREET SETBACK OF 10 FEET IN LIEU OF THE REQUIRED 25 FEET

Petitioner's Exhibit 1

PUBLIC WATER AND SEWER LOCATED IN Goldentree Lane

AREA OF LOT: 7500.00 Sq. Ft.
EX 1515 12' 0" 10' 0"
EX 2011 12' 0" 10' 0"

LOT 125 AMENDED PLAT TWO SECTION 018
GOLDENTREE
PLAT BOOK 43-80

15TH DISTRICT BALTIMORE CO. WATER
Scale 1" = 30' DATE 12-1-91
Ronald C. & Josephine Morman
8th District Councilman

FRANK S. LEHR
1277 NEIGHBORS AVE.
BALTIMORE, MD. 21237

91-415-A

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204 887-3353

June 6, 1991

Mr. and Mrs. Ronald C. Morman
8821 Goldentree Lane
Baltimore, Maryland 21221

RE: Petition for Residential Zoning Variance
Case No. 91-415-A

Dear Mr. and Mrs. Morman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
Robert Haines
Zoning Commissioner

JRH:mmm
encl.
cc: Peoples Counsel

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 5/13/91

Posted for: Variance

Petitioner: Ronald C. Morman et al.

Location of property: SEE GOLDENTREE LANE AT HIGHVILLE RD.

Location of Sign: Facing Goldentree Lane, across Rd. from Highway, on property of Petitioner

Remarks:

Posted by: [Signature] Date of return: 5/17/91

Number of Signs: 1

41-415-A 5/30

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: May 29, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: May 14, 1991

This office has no comments for items number 413, 414, 415, 416, 417, 418, 419, 420, 421, 422 and 423.

Rahee J. Famili
Traffic Engineer II

RJF/lvd

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

May 15, 1991

887-3353

S. Eric DiNenna, Esquire
409 Washington Avenue, Suite 600
Towson, MD 21204

RE: Item No. 410, Case No. 91-415-A
Petitioner: Ronald C. Morman, et ux
Petition for Residential Variance

Dear Mr. DiNenna:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Ronald C. Morman
8821 Goldentree Lane
Baltimore, MD 21221

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
2nd day of May, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Ronald C. Morman, et ux

Petitioner's Attorney: S. Eric DiNenna

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: May 10, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Frank A. Cirincione, Item No. 385
Stanley Z. Steinberg, Item No. 392
John D. Ferencik, Item No. 396
Andrew F. David, Item No. 399
Richard J. Romano, Item No. 400
White Marsh Joint Venture, Item No. 401
Francis T. Leyden, Item No. 402
Charles A. Romano, Item No. 404
Dale J. Lohman, Item No. 405
P & G Partnership, Item No. 407
Westview Mall Association, Item No. 408
George Bromwell, Item No. 409
Hawley Rodgers, Item No. 412
Joseph Ruiza, Item No. 416
Ronald L. Morkman, Item No. 418 ✓
Victor Khousami, Item No. 422

In reference to the Petitioners' request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

VARIEDT.EMS/ZAC1

received
5/22/91

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 15, 1991

FROM: Dennis A. Kennedy, P.E.

RE: Zoning Advisory Committee Meeting
for May 14, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 413, 416, 418, 420, 422 and 423.

For Item 417, the previous County Review Group Meeting comments are still applicable. The panhandle to Lot 3 should be 20 feet between Lots 1 and 2.

For Item 418, the previous County Review Group Meeting comments are still applicable.

For Item 414, a 10-foot drainage and utility easement exists along the north property line, as shown on record plat 40/122. No permanent structures are allowed within County easements.

For Item 415, a County Review Group Meeting is required.

For Item 421, this site must be submitted through the minor subdivision process for review and comments.

Dennis A. Kennedy
Dennis A. Kennedy, P.E., Acting Chief,
Developers Engineering Division

DAK:s

DINENNA AND BRESCHI
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
GEORGE A. BRESCHI, P.A.

FRANK V. BURGARDING, JR.
2300 KENNEDY DRIVE, SUITE 200
COLUMBIA, MD 21046

SUITE 600
MERCANTILE TOWNSHIP BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(301) 286-0820
TELEFAX (301) 286-0881

May 1, 1991

Honorable J. Robert Haines
Zoning Commissioner for Baltimore County
County Office Building
Towson, Maryland 21204

RE: 8821 Greentree Lane
Variance Request

Dear Mr. Haines:

A Petition for a Residential Variance was filed this date concerning the above-captioned matter.

I know this procedure is shorter than a normal public hearing petition but I would respectfully request that this matter be expedited as quickly as possible.

There have been some delays, though not that of the Commissioner's Office, in filing this. My clients wish to construct the garage immediately because of the weather.

This is to certify that if you allow the Petition to go forward at this time and to allow construction pending this variance request, that if the variance is denied, they will have no alternative but to remove the structure.

Please advise me immediately of your thinking in this matter.

Very truly yours,

S. Eric DiNenna
S. ERIC DINENNA

SED:bjk
cc: Mr. and Mrs. Ronald Morman

RECEIVED
MAY 15 1991
ZONING OFFICE

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

May 22, 1991

887-3353

Mr. & Mrs. Ronald C. Morman
8821 Goldentree Lane
Baltimore, Maryland 21221

Re: CASE NUMBER: 91-415-A
LOCATION: SEC Goldentree at Highville Road
8821 Goldentree Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before May 15, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is May 30, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the order will not be available for you to pick-up the day you return the sign.

2) Hearing no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens
G. G. Stephens
(301) 887-3391